

Approved 2/6/08

**TOWN OF CUSHING
PLANNING BOARD
Minutes of Meeting
November 7, 2007**

Board Present: David Cobey, Bob Ellis, Evelyn Kalloch, Frank Muddle, CEO Scott Bickford and Recording Secretary Crystal Robinson

Absent: Chairman Dan Remian

1.Call to Order: Vice-Chairman Muddle called the meeting to order at 6:00 P.M. and took a roll call.

2. Approve the Minutes of the 10/3/07 Meeting: CEO Bickford referred to Page 1, Item 4, 2nd Paragraph, last Sentence and said his intent had been to say, "proposed septic system would be as designed"; he asked that this be added to tonight's record. Mrs. Kalloch asked if the last item before adjournment, discussion of pre-application amendment on line changes in Meduncook Plantation, had been tabled. No one seemed to know the answer and Mr. Muddle and Mr. Bickford said the tape would have to be checked. Mr. Tower said he understood that Mr. Bickford's plan and preliminary were combined and would move to final review tonight, though he could not recall if a formal vote was taken. Mrs. Kalloch said it was not on tonight's agenda. Mr. Muddle suggested the minutes should be left open rather than approved until the tape could be checked regarding Meduncook. Mr. Ellis suggested that the secretary was probably correct and the PB had left the matter dangling.

ACTION: Mr. Ellis made a motion, seconded by Mr. Cobey, to accept the minutes as written.
Carried 4-0-0

Mr. Muddle said the item questioned would be checked on the tape and clarification brought to the next meeting.

3. Other Business: Mr. Ellis suggested that the agenda order be reversed to be fair to those whose applications had been pending the longest. Mr. Cobey agreed with Mr. Ellis, while Mr. Muddle and Mrs. Kalloch did not.

ACTION: Mr. Ellis made a motion, seconded by Mr. Cobey, to reverse the agenda order.
Carried 3-0-1 (Mrs. Kalloch abstained)

4. Communications: Mr. Muddle said the Board had received a letter dated 10/29/07 from Bonnie Miller in which she expressed her concern over groundwater and water sources for her property. Mr. Cobey asked who had put a report from Reed regarding fractured rock in his folder. The CEO said he had, having thought it might be helpful as it dealt with wells and a groundwater study in Waldoboro.

5. Application for Shoreland Use Permit, Map 5, Lots 85-86, Presented by James Tower: Applicant Tower said he had previously provided the Board with an application form and a map. The PB had then requested additional information, which he had since provided. This consisted of a narrative that gave factual information to help the Board make a finding of fact on Section 16.3(A-I) of the Shoreland Zoning Ordinance [SZO]. This included a letter from the Maine Historic Preservation Commission, the last paragraph of which said that nothing of significance had been found by a professional archaeologist when the area had been surveyed around 1950. Mr. Tower said he had also provided an IF&W memo, which had been previously submitted. The applicant said he understood this to be the extent of additional information requested.

Mr. Muddle asked if this would be the preliminary or final review of Map 5, Lots 85 & 86. Mr. Ellis proposed going through the applicable standards in Section 15 to see what applied. Mrs. Kalloch asked if the application had been judged complete. Mr. Muddle asked if any additional information requested had not been provided. Mrs. Kalloch responded that there was no financial statement and that the Sisters Two Trust deed did not apply. Mr. Muddle suggested going through the standards because some might not apply. He also stated that financial information was not required, as it had already been discussed under the Robbins Mountain Subdivision review.

Mr. Ellis said these two lots were determined by the PB to need a variance because they did not meet the minimum lot size. It was subsequently determined that they met the size requirements by virtue of being grandfathered as

two. He continued that the PB had concluded that non-conforming conditions should be allowed to continue under Section 12(E). CEO Bickford said that the two lots, undeveloped and owned by one person, had merged. Mr. Muddle and Mr. Ellis seemed to agree that A & B did not apply.

Mr. Cobey asked for discussion of the parking area, Section 15(F)(1), citing a 75' setback for structures. He then referred to Section 15(B)(1), citing a 75' setback from the normal high water mark or the upland edge of a wetland. He stated that the application at hand concerned a wetland and this would also apply to the driveways in Section G. Mr. Ellis asked how this explained Mr. Tower's driveway permit from the same people who wrote the SZO. Mr. Cobey replied that federal, state and local permits had different criteria. Mr. Tower said Section 14 (Table of Land Uses) discussed the allowable location of a driveway/parking area to a permitted use when there were no alternatives. Mr. Cobey said the SZO clearly stated that a parking area was considered a structure for purposes of setback.

Mr. Tower quoted former CEO Ham Boothby as saying that when the document conflicted with itself the Board should make the less stringent interpretation. Mr. Cobey said that was not included in the SZO. Mr. Muddle said the SZO defined "structure" as "anything constructed with a fixed location on the ground." Mr. Cobey said the SZO explicitly said, "Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located." Mr. Muddle noted that the Army Corps had approved the application. There was discussion of whether this area was public and whether it contained a boat launch.

Mr. Muddle said the area was set back 75' and Mr. Cobey countered that the parking area would have to be across the street to meet the setback from the wetland's upper edge. Mr. Muddle said it appeared to require a waiver, which Mr. Ellis said the Board could not grant. Mr. Ellis commented that the parking area seemed to be the sticking point. Mr. Cobey said driveways presented the same issue ("no reasonable alternative"). Mr. Muddle said alternatives had been discussed. Mr. Cobey responded that there was no justification for going through a wetland when the SZO stated that the setback should be 75' from such wetland. Mr. Tower said his original application had included several parking areas outside the wetland; the Army Corps and the DEP had reviewed the issue with the Board. Mr. Tower stated that the two agencies had concluded that amending the application to its present state would meet with their approval. Mr. Tower agreed that it was not necessary for the PB to approve simply because the Army Corps and DEP had; however, he suggested the PB consider the same balanced approach.

Mr. Cobey responded that no one from IF&W was at that meeting and no one else took an oath to uphold the PB regulations. Mr. Muddle said he recalled that the current plan had come as a result of the meeting of the DEP, Army Corps and neighbors. He added that the parking lot would not be paved, so would not be an issue for the birds. Mr. Ellis said the Board must follow the SZO and not just the DEP and Army Corps. Mr. Muddle asked if the Board was ready to make a decision on this. Mr. Ellis read from the SZO concerning setback and concluded that there was no place on this lot that was 50' from the wetland. He said he was wishing for a lawyer. Mr. Cobey said the setback could not be met because the lot was not large enough. Mr. Ellis said that Section 15(G) suggested there would be wiggle room if only a road, not a parking area, were proposed.

Mr. Tower asked the Board to look at Section 12(C)(1) regarding non-conformance and expansions. Mr. Cobey said this was not an expansion, but the applicant said there was an old structure on the lot. Mr. Muddle stated that this would need a variance. The CEO said that would require the applicant to go through the Appeals Board. Mr. Ellis said the variance section said a variance could be granted only from dimensional requirements including, but not limited to, width, structure, height, percentage of lot coverage and setback requirements. He concluded this would apply for a variance.

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that the parking area did not comply with the requirements of Section 15(B)(1) and the driveway did not comply with the requirements of Section 15(G)(2).
Carried 4-0-0

ACTION: Mr. Muddle made a motion, seconded by Mrs. Kalloch, that we table any further discussion on this application pending review by the Appeals Board.
Carried 4-0-0

6. Bruce Haber, Representing Nellie Taft, Continuation of Application for Building Addition and Land Use Permit, Map 7, Lot 79A-1: Mr. Cobey said he recalled that the Board had asked for the 75' and 250' setbacks to be located on the plan. Mr. Ellis and Mr. Muddle said an updated map had been submitted, indicating the 75' setback line for the house and deck structures. Bruce Haber looked at the maps with the Board and said the

application remained one project. Mr. Cobey asked if all the improvements were in the shoreland zone but not within the 75' setback; Mr. Haber said they were. Mr. Muddle asked if that answered all of the Board's questions and the members said it did. Mr. Ellis suggested going through the standards and criteria.

In response to a question from Mr. Cobey, Mr. Haber said LPI approval had been received for the leach field to be replaced by tanks, from which waste would be pumped across the road.

ACTION: Mr. Ellis made a motion, seconded by Mr. Muddle, that the expansions are allowed beyond the 75' line and existing lot requirements did not apply under Section 15(A).
Carried 4-0-0

ACTION: Mrs. Kalloch made a motion, seconded by Mr. Ellis, to approve Section 15(B).
Carried 3-0-1 (Mr. Cobey abstained)
Revised to 4-0-0

Mr. Cobey asked how the other members had determined the flood elevation in this area. Mr. Ellis said the property was not listed and then realized he had looked it up in the outdated ordinance. Mr. Cobey said he saw no basis for a vote on 15(B)(3) because the Board did not have the necessary information. Mr. Ellis said it seemed he had rushed his motion, based on previous knowledge of the old rules. CEO Bickford volunteered to get the map. Later, Mr. Cobey asked to revise his vote on 15(B). The vice-chairman said that vote would be recorded as unanimous.

ACTION: Mr. Ellis made a motion, seconded by Mr. Cobey, that Section 15(C through H) did not apply.
Carried 4-0-0

Mr. Muddle asked if there were questions about storm water runoff. Mr. Cobey replied that the area was flat and this was minor construction.

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15(I) did not apply.
Carried 4-0-0

ACTION: Mr. Ellis made a motion, seconded by Mrs. Kalloch, that Section 15(J) did comply, based on testimony of the Licensed Plumbing Inspector.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mr. Ellis, that Section 15(K through N) did not apply.
Carried 4-0-0

ACTION: Mr. Ellis made a motion, seconded by Mr. Cobey, that Section 15(O) was in compliance.
Carried 4-0-0

ACTION: Mrs. Kalloch made a motion, seconded by Mr. Cobey, that Section 15(P) complied.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15(Q & R) did not apply.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15(S & T) did not apply.
Carried 4-0-0

The Board then moved to the Criteria A-I on Page 30 of the SZO; Mr. Ellis said each item in Section 16(E)(3) must be voted separately.

ACTION: Mr. Muddle made a motion, seconded by Mr. Cobey, that after receiving the completed application, Section 16(A) will maintain safe and healthful conditions.
Carried 4-0-0

Mr. Muddle read aloud the remaining eight items in this section.

ACTION: Mrs. Kalloch made a motion, seconded by Mr. Muddle, to approve the review of Section 16 (A through I).
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, to approve the application.
Carried 4-0-0

7. James Dexter and Dale Hammina, Application for Building and Land Use Permit at Hornbarn Hill, Subject to Approved Zone Changes: Mr. Muddle said the question on this application at the last meeting had been the dual use issue. Mr. Ellis felt any review would have to be conditional on the up-coming vote since the lot remained listed as “dual-use” until the hearing next week. The vice-chairman said he thought approval could be conditional on the lot being rezoned to Limited Residential.

Mr. Ellis said some of the proposed uses required CEO and LPI approval, which could not be granted for the Resource Protection [RP] portion of the lot. Mr. Muddle ascertained from Mr. Dexter that the cabin and accessory structure would share a well and septic system. The cabin would have a sink but no stove. Mr. Ellis said the accessory structure with a kitchen would have to meet the setback. Mr. Cobey asked if the 20% slopes were shown on the shoreland zoning map or had been surveyed on the ground. James Tower said they had been surveyed on the ground.

Mr. Muddle began the review of Section 15.

ACTION: Mr. Cobey made a motion, seconded by Mr. Ellis, that Section 15(A) had been satisfied.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15(B) had been satisfied.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15(C through F) did not apply.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15(G) was satisfied.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mr. Ellis, that Section 15(H) did not apply.
Carried 4-0-0

Mr. Muddle asked if there was concern about storm water runoff from the house or cabin. Mr. Ellis said best management practices were required. Mr. Cobey asked what would be done at the bottom of the new curved driveway. Mr. Dexter said there would be a drainage ditch on the inside of the curve. The Board confirmed to Mr. Tower that its concern was for after construction. Mr. Cobey anticipated considerable storm water flow. Mr. Dexter said the contour of the land would remain unchanged and the stone driveway would prevent water flow as on a paved road. Mr. Cobey disagreed, but said there was plenty of filtration before the cove. Mr. Tower said “best management practices” covered a wide variety of situations and if it turned out a small level spreader was needed it could be handled on site. Mr. Cobey responded that the average homeowner would not know that. Mr. Dexter said he would rely on professionals and CEO Bickford said he (as Plumbing Inspector) looked for such things as level spreaders or other mechanisms for controlling runoff.

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15(I & J) was satisfied.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15(L through N) did not apply.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mr. Ellis, that Section 15(O) was satisfied.
Carried 4-0-0

Mr. Cobey said he would like to amend his motion by adding it was subject to location of erosion and sedimentation barriers on the site plan; Mrs. Kalloch seconded. Mr. Ellis said a written erosion control plan was required by the ordinance. Mr. Muddle said the applicant had submitted a statement saying construction would not result in any erosion. Mr. Tower stated that the DEP’s best management practices manual was intended to save people from paying thousands of dollars for a written plan. He said Mr. Dexter’s earlier plan, which contained no written plan, had been approved. Mr. Cobey objected that it would take only moments to add barriers to the plan. He also told

Mr. Dexter that he was limited to clearing 10,000 Sq. Ft. of his property. Mr. Ellis stated that this was under the jurisdiction of the CEO to inspect. There was further discussion about erosion control and what submissions were required in that regard.

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15(P) was satisfied with the amendment that sedimentation control barriers would be added to the plan.
Failed 1-3-0 (Mr. Cobey voted in favor)

ACTION: Mr. Ellis made a motion, seconded by Mrs. Kalloch, that Section 15(P) was satisfied, with the amendment that sedimentation control barriers would be a condition of the motion.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15 (Q through T) was not applicable.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that the application will maintain safe and healthful conditions; will not result in water pollution, erosion, or sedimentation to surface waters; will adequately provide for the disposal of all wastewater; will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat; will conserve shoreland vegetation and visual, as well as actual, points of access to inland and coastal waters; will protect archaeological and historic resources as activities; will avoid problems associated with flood plain development and use and is in conformance with the provisions of Section 15, Land Use Standards.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, the application be approved, subject to a change in land use anticipated on Nov. 14.
Carried 4-0-0

8. Eric and Cynthia Anderson, Application for Building and Land Use Permit at Pleasant Point Gut, Map 7, Lot 54-1. Permit Will be Subject to Approved Zone Change in Shoreland Area: Mr. Ellis said the application mentioned a proposed use for roads and driveways and questioned a driveway that left and then returned to the property. Mr. Anderson responded that the entire driveway existed and he would be adding a parking area. Mr. Muddle said the plan had no indication of slopes and asked if any of it was in RP. Mr. Cobey checked the map and said there was no RP, based on slopes

ACTION: Mr. Cobey made a motion, seconded by Mr. Muddle, that Section 15(A) was satisfied.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mr. Ellis, that Section 15(B) was satisfied.
Carried 4-0-0

Mr. Ellis ascertained that the structure would be less than 35' in height.

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15(C, D & E) did not apply.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15(F) was satisfied.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15(G) was satisfied.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15(H) did not apply.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15(I) was satisfied.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15(J) was satisfied.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15(K through N) did not apply.
Carried 4-0-0

Mr. Cobey said the building and parking areas totaled approximately 7,000 Sq. Ft. He asked the applicant if he needed to clear for his leach field, reminding him that the total area that could be cleared was 10,000 Sq. Ft. Mr. Anderson said there would be clearing of the 15' boundary around the leach field, which was very flat.

ACTION: Mr. Cobey made a motion, seconded by Mr. Ellis, that Section 15(O) was satisfied.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mr. Muddle, that Section 15(P) was satisfied.
Carried 4-0-0

Mr. Cobey added the clarification that the 10,000 Sq. Ft. he mentioned earlier included land previously developed; i.e., the long driveway.

ACTION: Mr. Cobey made a motion, seconded by Mr. Ellis, that Section 15(Q & R) did not apply.
Carried 4-0-0

Mr. Cobey noted that the standard Section 15(S) seemed never to apply and asked if it were the applicant who had to check on this. CEO Bickford said a few places in Cushing, to which this applied, had been identified. Mr. Ellis said the SZO did not require the Historic Preservation Commission's evaluation, the way the subdivision regulations did.

ACTION: Mr. Cobey made a motion, seconded by Mr. Ellis, to amend his earlier motion to include Section 15(S & T) as not applicable.
Carried 4-0-0

ACTION: Mr. Ellis made a motion, seconded by Mr. Cobey, that based on the applicant's submissions and positive findings that the information presented that the application will maintain safe and healthful conditions; will not result in water pollution, erosion, or sedimentation to surface waters; will adequately provide for the disposal of all wastewater; will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat; will conserve shoreland vegetation and visual, as well as actual, points of access to inland and coastal waters; will protect archaeological and historic resources as activities; will avoid problems associated with flood plain development and use; and is in conformance with the provisions of Section 15, Land Use Standards.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, to approve the application subject to the anticipated change in the land use and zoning on Nov. 14.
Carried 4-0-0

9. Leif Garbisch, Application for building and Land Use Permit on Hyler Cove, Map 1, Lot 36-13: Mr. Muddle asked the status of the wastewater and CEO Bickford replied he had no problems with the application, though the permit had not been issued. Mr. Ellis asked if a recognized wetlands delineator had surveyed the property. Mr. Garbisch said it had been surveyed by a professional surveyor and referred to his submitted map. Mr. Cobey asked the source of the map and Mrs. Kalloch stated that it was the survey map approved by the Board.

ACTION: Mr. Cobey made a motion, seconded by Mr. Muddle, that Section 15(A) was satisfied.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15(B) was satisfied.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15(C, D, E & F) did not apply.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15(G) was satisfied.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15(H) did not apply.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15(I & J) was satisfied.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15(K through N) did not apply.
Carried 4-0-0

In response to a question from Mr. Cobey, Mr. Garbisch said he would be clearing the house envelope and septic areas only. He said the wooded lot had been cleared prior to the applicant's purchase of it.

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15(O) was satisfied.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15(P) was satisfied.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15 (Q, R, S & T) did not apply.
Carried 4-0-0

ACTION: Mr. Cobey made a motion, seconded by Mr. Muddle, that the Board make a positive finding on Section 16(E)(3), based on the information presented that the application will maintain safe and healthful conditions; will not result in water pollution, erosion, or sedimentation to surface waters; will adequately provide for the disposal of all wastewater; will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat; will conserve shoreland vegetation and visual, as well as actual, points of access to inland and coastal waters; will protect archaeological and historic resources as activities; will avoid problems associated with flood plain development and use; and is in conformance with the provisions of Section 15, Land Use Standards.
Carried 4-0-0

ACTION: Mrs. Kalloch made a motion, seconded by Mr. Cobey, that the application be approved.
Carried 4-0-0

10. Discuss Proposed Changes to Lots on Map 7 and Map 6 Containing More Than One Land Use District:

Mr. Cobey said the Board had documented the changes it wished to make and would formally post them seven days in advance of the meeting; they were already on the town website, in the Post Office and in the newspaper. Mr. Ellis said the Board should be prepared for the hearing and asked what the Board would do if people wanted to know about options to serve their needs in different districts. The Board discussed the individual members' interpretation of the most recent information from the DEP and its lack of clarification.

11. Other Business: James Tower asked why his Robbins Mountain Subdivision had not been on the agenda. Mrs. Kalloch said it was because it had been previously tabled. Mr. Tower said he felt there was bias in preparing the agenda and he felt it profoundly unjust for some applications to continuously appear at the end of the agenda, thus being prone to cutoff by time limits. He wanted the Board to adopt a policy that applications be listed on the agenda in the sequence in which they were received. Mr. Ellis agreed and Mr. Muddle said that was the normal procedure; however, Robbins Mountain had been suspended until a DEP letter was received. Mr. Tower disagreed, saying it had been suspended to the next meeting, which this one was. He said he did not agree to a further extension and he wanted a decision tonight. Mr. Ellis said he agreed with Mr. Cobey's previous comments that it should be taken up under old business. Mrs. Kalloch said the members did not have the books with them, the application was not on the agenda and it was 9:00 P.M.

Mr. Muddle said the minutes confirmed his recollection that the item was tabled until the Board received the documents, at which time a special meeting would be held. Mr. Tower did not disagree, but said this had gone on from meeting to meeting and he stated that the DEP was never going to provide the requested information. He quoted Mr. Cobey, from earlier in this meeting, as saying the Cushing PB was an independent reviewing agency with its own rules, under which it should do the review. Mr. Muddle said the Board had done the review, with the exception... Mr. Cobey said the item had been tabled until receipt of the DEP site work approval. In addition, he said, the Board had asked the applicant if his storm water application to the DEP could be considered the same to

the PB and Mr. Tower agreed. Mr. Cobey said that was the reason the Board was awaiting DEP approval to issue Cushing's approval; the Board had not received that storm water plan approval. Mr. Tower said he had agreed that the PB could use his storm water application to show that he was complying with town standards and he wanted the Board to make a decision whether this met the town standards.

Mr. Ellis said the previously quoted motion ended with "as agreed by the applicant". He said the Board was obligated to have the applicant's approval to continue review beyond the days allowed in the regulations. The CEO said he felt Mr. Ellis had a good point and the town also had a right to pursue this. Mr. Muddle said the Board could approve pending DEP approval or deny. He added that not meeting the time requirements would allow automatic approval of the application.

Mr. Tower said this had been a long meeting and he had no desire to push the members further. He said he had submitted a letter within the last month, requesting to revise the maps, and he would like that put on the agenda of the next meeting. In addition, he asked that the review of Meduncook Plantation to be the first item on the agenda. CEO Bickford suggested any application for future agenda items be put in writing so it could be stamped. Mr. Tower said the PB would receive a letter containing a request for all of these things. He said he had been arguing with the DEP for some time regarding visual impact. He had been told today that that issue had been resolved; there was one a small technical thing to address in order to receive the DEP approval. He said the PB might be violating its own regulations by not making a decision.

12. Adjournment:

ACTION: Mrs. Kalloch made a motion, seconded by Mr. Ellis, to adjourn at approximately 9:20 P.M.
Carried 4-0-0

Respectfully submitted,

Deborah E. Sealey
Recording Secretary